
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Bonneville International Corp.)	File No.: EB-FIELDWR-14-00015306
Owner of Antenna Structure No. 1262317)	NOV No.: V201432940036
)	
Phoenix, Arizona)	
)	

NOTICE OF VIOLATION

Released: May 1, 2014

By the District Director, San Diego Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Bonneville International Corp. (Bonneville), owner of Antenna Structure Registration No. 1262317 in Phoenix, Arizona. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On April 14 and April 15, 2014, an agent of the Enforcement Bureau's San Diego Office inspected the Antenna Structure with Registration No. 1262317 located at 3100 W. Lower Buckeye Rd., Phoenix, Arizona, and observed the following violations:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." According to the FCC's antenna structure registration (ASR) database, this antenna structure is required to have red obstruction lighting at night. At the time of the inspections, the agent observed that no lights were functioning on the antenna structure at night.
- b. 47 C.F.R. § 17.47(a)(1),(2): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications in this part [s]hall make an observation of the antenna structure's lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively [s]hall provide and properly maintain an automatic alarm

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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system designed to detect any failure of such lights and to provide indication of such failure to the owner.” Prior to the inspection, the antenna structure owner failed to observe that the red obstruction lights were not functioning at night.

- c. 47 C.F.R. § 17.48(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part [s]hall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report.” The San Diego agent contacted the FAA and learned that the outage had not been reported and a NOTAM had not been issued. At that time, the agent had a NOTAM issued for no red obstruction lights functioning on the antenna structure at night. The antenna structure owner failed to report the obstruction light outage to the FAA.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Bonneville must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Bonneville to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Bonneville with personal knowledge of the representations provided in Bonneville’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.”

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requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Diego Office
4542 Ruffner Street, Suite 370
San Diego, CA 92111

6. This Notice shall be sent to Bonneville International Corp., at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James T. Lyon
District Director
San Diego Office
Western Region
Enforcement Bureau

47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).